

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

FERRING B.V., FERRING INTERNATIONAL
CENTER S.A., and FERRING
PHARMAECUTICALS INC.,

Plaintiffs,

17 Civ. 9922

ORDER

- against -

SERENITY PHARMACEUTICALS, LLC,
REPRISE BIOPHARMACEUTICALS, LLC,
and AVADEL SPECIALTY PHARMACEUTICALS,
LLC,

Defendants.

-----X

Sweet, D.J.

Serenity, Reprise, and Avadel's (Counterclaim-
Plaintiffs') motion to seal their supplemental memorandum in
support of their motion for preliminary injunction, as well as
the accompanying declarations of Shehla Wynne and Christopher A.
Vellturo, and exhibits thereto ("Supplemental PI Papers"), (ECF
No. 153), dated August 14, 2018, is unopposed and granted.

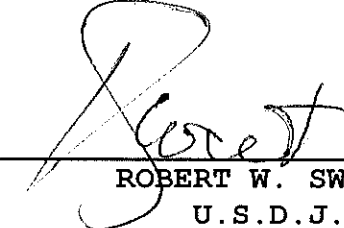
The privacy interest in the referenced and attached
documents concerning the administration and marketing of
Ferring's Nocdurna is established. See Go SMiLE, Inc. v. Dr.
Jonathan Levine, 769 F. Supp. 2d 630, 649-50 (S.D.N.Y. Mar 7,
2011) (finding "the privacy interests of the defendants outweigh
the presumption of public access" where exhibits "contain[d]

highly proprietary material concerning the defendants' marketing strategies, product development, costs and budgeting"); see also Cumberland Packing Corp v. Monsanto Co., 184 F.R.D. 504, 506 (E.D.N.Y. 1999) ("Documents falling into categories commonly sealed are those containing trade secrets, confidential research and development information, marketing plans, revenue information, pricing information, and the like.").

The motion to file Counterclaim-Plaintiffs' Supplemental PI Papers under seal is granted.

It is so ordered.

New York, NY
August 22, 2018



ROBERT W. SWEET
U.S.D.J.